

## REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

As requested in the outstanding office action mailed September 10, 2003, submitted herewith are a marked-up version and a clean version of the substitute specification in compliance with 37 C.F.R. §§ 1.52(a) and (b). Applicants submit that the substitute specification submitted herewith is substantially the same specification as filed in the above-identified patent application. Some changes have been made to: 1) amend the format of the specification to comport with current U.S. Patent and Trademark Office requirements with regard to the application papers, including margins and spacing as provided under 37 C.F.R. § 1.52, and 2) correct minor typographical errors to reflect proper idiomatic English. Applicants submit that the marked-up version of the substitute specification is submitted in compliance with Revised Amendment Practice 37 C.F.R. § 1.121 – Final Rule, 68 Fed. Reg. 38611 (June 3, 2003). Applicants submit that the substitute specification contains no new matter, and respectfully request that the substitute specification be entered

The objection to the drawings is obviated in view of the revised formal drawing submitted herewith.

The objection to claim 1 is obviated in view of the cancellation of this claim.

The rejection of claim 9 under 35 U.S.C. § 101 is obviated in view of the cancellation of this claim.

The rejection of claims 1-4 and 7-9 under 35 U.S.C. § 102(b) as being anticipated by Burgtorf et al., "A Telomere-Like Satellite (GGGTCAT)<sub>n</sub> Comprises 4% of Genomic DNA of *Drosophila hydei* and is Located mainly in Centromeric Heterochromatin of all Large Acrocentric Autosomes," Gene 137:287-291 (1993) ("Burgtorf") is obviated in view of the cancellation of these claims.

The rejection of claims 1-3, 7, and 9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,663,319 to Bittner et al. is obviated in view of the cancellation of these claims.

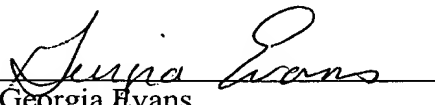
The rejection of claims 1-5 and 7-9 under 35 U.S.C. § 103(a) as being unpatentable over Burgtorf in view of Promega On-Line Catalog, Revised 5/00, DNA Polymerase I (Klenow) Fragment, Part # 9PIM220 (1997-2000) ("Promega") is obviated in view of the cancellation of these claims.

The rejection of claims 1-9 under 35 U.S.C. § 112, second paragraph, for indefiniteness is respectfully traversed in view of the above amendments.

In view of the all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Dated: March 5, 2004

  
Georgia Evans  
Registration No. 44,597

Nixon Peabody LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1672  
Facsimile: (585) 263-1600

Certificate of Mailing - 37 CFR 1.8(a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below.	
Date	<u>March 8, 2004</u> <u>Ruth R. Smith</u>
	<u>Patent Director</u> <u>Ruth R. Smith</u>